

protesting against action of lower house in cutting this appropriation as regards salaries of University professors.

Also a telegram from El Paso, signed J. H. Simmas, urging appointment of Free Conference Committee members to be in sympathy with Senator Dudley's recommendations for educational appropriations.

Also a communication from Producers Protective League opposing City of Houston transferring to Harris County the Deep Water Board Bonds, and urging that no such measure be submitted.

### THIRTEENTH DAY.

Senate Chamber.

Austin, Texas.

Wednesday, August 3, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Richards.
Darwin.	Rogers.
Davidson.	Sulter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Absent.

Cousins.

Absent—Excused.

Carlock.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

See Appendix for Standing Committee reports and Petitions and Memorials.

Communication from Regents of U. of T.

The following communication from

the Board of Regents of the University of Texas was read to the Senate and at the conclusion of the reading Senator Murphy moved that the communication be printed in the Journal, which motion was adopted.

The University of Texas.

Office of the President.

Austin, Texas, August 2, 1921.

Hon. Lynch Davidson, President of the Senate, Thirty-seventh Legislature, Austin, Texas.

Dear Sir: In accordance with the instructions of the Board of Regents I am handing you herewith a statement prepared by the Board of Regents at its meeting on Monday, August 1 to be conveyed to the Governor and to the Honorable Senate and House of Representatives of the Thirty-seventh Legislature.

Very cordially yours,

ROBERT E. VINSON,  
President.

"The Board of Regents of the University of Texas met in called session on Monday, August 1, in order to consider the conditions which have arisen in view of the emergencies which now confront the State and the necessity for retrenchment and economy in the operation not only of the affairs of the University but of all departments of the State Government. This Board finds itself in complete accord with the sentiments expressed in the two houses of the Legislature, as these have been gathered from the press, upon the subject of economy, and is willing to enter into any arrangement which may tend not to increase the burden of taxation now being borne by the people of this State, and which at the same time will not destroy the morale of the University of Texas nor decrease the quality of the service which it is rendering to the State.

"We are also heartily in accord with the efforts being made to reduce expenses in other departments of the State Government, if necessary, in order that appropriations of adequate size may be made for the maintenance of the rural schools and other parts of the public school system of the State.

"In addition to this, the Board desires to direct attention to the fact that at practically every meeting of this Board, whose personnel has been largely changed several times during

the past five years, with one accord the determination has been expressed to reserve the income accruing to the University from its lands and bonds, known as the Available Fund, for the exclusive purpose of erecting buildings and providing those elements of permanent equipment which are so essential to the welfare and advancement of this institution. It is partly due to this reason, as well as partly to the phenomenal growth of the University during the past five years that the requests for appropriations from the General Revenue for the maintenance of the University have been so far in excess of the requests which had been made of previous sessions of the Legislature. Throughout the history of the Legislature it has increased in enrollment by an average of eleven per cent per annum. The present attendance in the Summer School is in excess of thirty-three per cent greater than the attendance at the Summer Session of 1920, and this, together with the indication of the correspondence in the Registrar's office, would lead us to anticipate at least a normal rate of increase in long-session students for the session of 1921-1922.

"Somewhat more than a year ago, in accordance with the law, this Board prepared and presented to the Board of Control an itemized statement of the amount of money necessary to maintain the University of Texas as at present constituted for the biennium beginning September 1, 1921. The total amount of our request for maintenance was \$1,633,000.00, and after taking a most careful survey of the situation in the light of all developments which have taken place subsequent to that time it is still the opinion of this Board that for the proper maintenance of the University of Texas as now constituted the amount herein named is not excessive. The Board of Regents, however, desires to direct attention to the fact that the size of the University is not necessary indication of its quality, and in the event that the untoward circumstances by which the State is now confronted should eventuate in the raising of standards both of requirements for graduation and for entrance into the University, then in that event the reduction of the amount of money which might be expended by the State upon the University would not only not be an unfortunate condition, but might

in itself constitute so distinct a step in advance as to prove of considerable value.

"The Special Investigating Committee of the Thirty-sixth Legislature in its findings recommended that the University be strengthened in its advanced and graduate and professional activities, and particularly along the lines of research, and the Board of Regents would, therefore, count itself as being exceedingly fortunate in the event that it could definitely undertake to carry out this recommendation. This Board is also not unaware of the generosity exhibited toward the needs of the University by the Regular Session of the Thirty-seventh Legislature in appropriating the sum of \$1,350,000.00 for the purchase of additional lands, thereby laying the foundation for the fulfillment of the plans of the fathers of Texas to provide for the young men and women of this State a University of the first class. If it should be thought impossible to realize this ideal in the physical properties of the institution at any time in the near future, might it not well be that in the meantime the work done by the institution could be put upon this first-class basis, thus bringing about a reduction in the immediate burden of expense to the State and waiting for the return of more prosperous times to secure those parts of the ideal which now seem impracticable?

The point, therefore, of these observations of the Board is to the effect that this Board finds itself entirely willing to operate the institution upon such funds as the anticipated revenues of the State may enable the Legislature to appropriate without doing injustice to the taxpayers or increasing the burden or depriving any other arm of the State's educational service of adequate means of support, and at the same time without the lessening of the quality of service which the University is required to render under the Constitution and statutory provisions applicable to this institution. An institution practically without restrictions or limitations cannot be operated except by the use of adequate means, but an institution can be operated in a first-class manner upon such means as may be at the disposal of the State, provided this Board be authorized to place such restrictions and lim-

itations as may be necessary to secure this end.

This is a true statement of the action of the Board of Regents on Monday, August 1, 1921.

E. J. MATHEWS,

Secretary to the Board of Regents.

**Senate Bill No. 20—Recommitted.**

Senator Burkett here moved that Senate Bill No. 29, adversely reported yesterday, be recommitted to the Committee on State Affairs, which motion was adopted.

**Simple Resolution No. 23.**

Be it resolved: That the chicken barbecue, with its accompanying program of pleasant entertainment, given to the Legislature by the good citizens of Austin on the evening of August 2 was a splendid success, and we here tender to them our thanks and sincere appreciation for this measure of relief and relaxation from the difficult and serious labors of this important session.

We shall ever hold the occasion in pleasant remembrance.

Woods, Burkett, Lewis, Murphy.

The resolution was read and adopted.

**Simple Resolution No. 24.**

Whereas, The good and enterprising people of Austin did lavishly feast, and pleasantly entertain, the members and officials of the Senate yesterday evening, to their full satisfaction and great delight; now therefore be it

Resolved, That a vote of thanks be, and the same is, hereby tendered the hospitable citizens of said city.

DOYLE.

The resolution was read and adopted.

**Bills and Resolutions.**

By Senator Murphy:

S. B. No. 48, A bill to be entitled "An Act authorizing the navigation districts created for the development of deep water navigation containing municipalities of one hundred thousand population or more to acquire, purchase, take over, construct, maintain, operate, develop and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads,

floating plants, lighterage and towering facilities, and other facilities or aids incident to the operation and development of a port, ports, waterways, and the navigation district, and to issue bonds in payment therefor on compliance with the provisions of said Act; prescribing the method of an election to provide such powers; providing for a hearing upon petition for said election; providing for notice of said election, the manner of conducting said election, and the manner of making election returns and declaring the result of said election; prescribing qualifications of voters at said election; giving navigation districts the fullest powers consistent with the Constitution of this State for the regulation of wharfage and other facilities pertaining to said district, including the right to assess and collect charges for the use of said facilities; granting navigation districts the right of eminent domain, and the right to take over, acquire and purchase facilities, railroads, lands, wharves, buildings and other improvements already constructed by any incorporated municipality upon terms mutually acceptable to navigation districts and the municipality and limiting its powers; prescribing the method of appointment of five navigation and canal commissioners to manage said district; providing their term of office, qualification and duties; giving navigation districts the power to grant franchises to persons or corporations on property owned or controlled by navigation districts; prescribing the method of granting said franchises; prescribing that a referendum may be had upon said proposed franchises, and prescribing the manner and method of initiating and holding such referendum and the effect thereof; giving such districts authority to employ the necessary help for the purposes of this Act; prescribing the method of letting contracts and handling funds; prescribing personnel of navigation board; giving to navigation district all power conferred by Title 96 of Revised Statutes of Texas of 1911; providing that unconstitutionality of part of law does not invalidate remainder; prescribing that all laws or parts of laws in conflict are repealed and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation.

By Senator Witt:

S. B. No. 49. A bill to be entitled "An Act to provide that any city having a special charter, or a charter adopted or amended under Chapter 147 of the General Laws of the Thirty-third Legislature, passed at the Regular Session thereof, or under any amendments thereto, and having authority under its charter to determine, fix and regulate the charges, fares or rates of compensation to be charged by any person, firm or corporation enjoying a franchise in said city shall in determining, fixing and regulating the charges, fares or rates of compensation to be charged by any such person, firm or corporation, base the same upon the fair value of the property of such person, firm or corporation devoted to furnishing service to such city, or the inhabitants thereof, and not upon any stock or bonds issued, or authorized to be issued by, or any other indebtedness of, any such person, firm or corporation. And repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Hall:

S. B. No. 50. A bill to be entitled "An Act to define and regulate the practice of optometry; to create a Board of Examiners, prescribing its qualifications, powers and duties; to provide for the registration and examination of applicants and the issuance of license and certificates; to prescribe the qualifications of applicants; to provide that the County Clerk of each county shall keep a record; to fix fees and require payment into the General Fund of the State of Texas; to provide for the registration of optometrists and the revocation of their licenses for cause; to require licenses and certificates to be displayed; to prescribe manner of practice outside of principal office; to fix penalties; to provide that this Act shall not apply to persons selling spectacles and eye glasses as merchandise from permanently established places of business, officers or agents of the United States or the State of Texas in discharge of official duties; to give no authority for the use or sale of drugs, medicines or eye lotions or for the use of any titles to indicate the practice of medicine;

to provide that the use of the title of Optometrist and practice of Optometry, as defined, shall not be construed as the practice of medicine; to provide that if any part is held unconstitutional, it shall not invalidate any other part; to repeal laws in conflict and to declare an emergency."

Read first time and referred to Committee on Public Health.

By Senator Hall:

S. B. No. 51. A bill to be entitled "An Act making it unlawful for any person, directly or indirectly, to manufacture, sell, barter, exchange, transport, export, receive, deliver, solicit, take orders for, furnish or possess, spiritous, vinous or malt liquors or medicated bitters, capable of producing intoxication, or any other intoxicant whatever, or any equipment for making any such liquors except for medicinal, mechanical, scientific or sacramental purposes, declaring it unlawful for any person, directly or indirectly, to manufacture, sell, barter, exchange, transport, export, receive, deliver, solicit or take orders for, furnish or possess, any spiritous, vinous or malt liquors, or medicinal bitters, or any liquors, mixture or preparation containing in excess of one half of one per cent of alcohol by volume, or any equipment for making such liquors, except for medicinal, mechanical, scientific or sacramental purposes; declaring that the words 'intoxicating liquors' or 'liquors' shall be held to include and comprehend all liquors just previously mentioned; and declaring what liquors are included in the liquors just mentioned; defining the word 'person' to include both natural persons and corporations; specifying those who are exempt from the operation of this Act and regulating the Act as it regulates to liquors for mechanical, scientific and sacramental purposes, providing for the issuance of permits in relation to liquors in regulating and defining those who may receive such permits; what may be done thereunder; prescribing the rules and regulations with reference to the right of physicians to prescribe alcohol for medicinal purposes; how the same may be prescribed; fixing

the rules governing the entire matter; fixing the rights and duties of common carriers with reference to liquors in the bill; prescribing all rules and regulations with reference to them and their agents and servants; prescribing the place where deliveries of intoxicants shall be made where shipped by carriers; prescribing advertising of intoxicating liquors and conferring certain duties for all persons who have in possession intoxicating liquors; making it unlawful to advertise, sell, deliver or possess any preparation in which liquors as a beverage, may be made, or any formula, direction or recipes for making such liquors; providing, in certain instances, for regulating the transportation of intoxicating liquors as defined in the Act; prohibiting and regulating orders for intoxicating liquors; authorizing cause of action on behalf of certain persons who may be injured in their person or property or means of support by act in violation of this Act; declaring that no property rights shall exist in liquors manufactured or sold in violation of law; making it unlawful for any person to purchase or receive liquor in violation of this Act; making it unlawful to rent to another or to keep or to be in any way interested in any premises, building, room, boat or place to be used in violation of this Act; declaring all such places common nuisances; authorizing action by the Attorney General and County and District Attorneys for the abatement of such nuisances; prescribing the law and rules with reference thereto, authorizing search warrant to issue for the purpose of searching for and seizing and destroying intoxicating liquors under certain circumstances, and prescribing the rules relative thereto; creating and defining offenses and prescribing the punishment for violation of this Act by both natural persons and corporations, and conferring certain authority upon the Attorney General and District Attorneys with reference to fixing the fee of the District Attorneys for convictions under this Act, and for fees where penalty suits are brought hereunder; authorizing the Attorney

General to enjoin the violators of this Act in the name of the State in any District Court; prescribing venue and jurisdiction thereof and making such remedy cumulative; prescribing the penalties for violating any such injunction; declaring the persons shall not be excused from testifying against those who violate any provisions of the Act; declaring that if any provision of this Act be held invalid, all other provisions shall continue in full force and effect, and repealing Chapter 78, Acts of the Thirty-sixth Legislature, Second Called Session, 1919, and in particular, repealing Articles 448 1-4 A, 488 1-4 AA, 488 1-4 B, 488 1-4 BB, 488 1-4 C, 488 1-4 CC, 488 1-4 D, 488 1-4 DD, 488 1-4 E, 488 1-4 EE, 488 1-4 F, 488 1-4 FF, 488 1-4 G, 488 1-4 H, 488 1-4 HH, 488 1-4 I, 488 1-4 II, 488 1-4 J, 488 1-4 K, 488 1-4 L, 488 1-4 LL, 488 1-4 M, 488 1-4 MM, 488 1-4 N, 488 1-4 NN, 488 1-4 O, 488 1-4 OO, 488 1-4 P, 488 1-4 PP, 488 1-4 Q, 488 1-4 QQ, 488 1-4 R, 488 1-4 RR, 488 1-4 S, 488 1-4 SS, 488 1-4 T, 488 1-4 TT, and all other laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Murphy:

S. B. No. 52, A bill to be entitled "An Act to amend Chapter 76 of the General Laws of the Thirty-sixth Legislature passed at the Regular Session in 1919, by adding thereto a new section to be numbered 5a, so as to provide for public weighing for counties where there are two or more cities, towns or shipping points receiving commodities in large quantities, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Buchanan:

S. B. No. 53, A bill to be entitled "An Act to create State Warehouse Commission for the State of Texas; prescribing their terms of office, appointment, qualifications and bonds; prescribing additional duties for Commissioner of Markets and Warehouses; defining the duties of the State Warehouse Commission; investing the powers of administration

and execution of the terms of this Act in said Commission and Commissioner of Markets and Warehouses; providing for the location, the construction, purchase, lease and operation of cotton warehouses by the State and declaring such warehouses to be used on equal terms by the cotton producers and growers of the State; providing for the selection, examination and appointment of all managers of the State Warehouse under the supervision of the Commissioner of Markets and Warehouses, declaring the rights, duties and liabilities of the Commissioner of Markets and Warehouses and managers; authorizing the issuance of negotiable and non-negotiable receipts by the Market and Warehouse Commissioner; vesting power in said Commissioner to negotiate fire insurance on the warehouses and equipment and for the cotton stored in warehouses therein and giving the Commissioner of Markets and Warehouses a lien for storage and other warehouse charges; levying an occupation tax on the ginners of cotton at fifty cents per bale on all cotton ginned in Texas; providing for its collection; and giving ginners a lien on the cotton ginned for ginning charges, and providing the purpose and manner in which the funds derived from said occupation tax shall be expended; providing penalties for violation of the duties imposed by law on public warehousemen, and declaring an emergency."

Read first time and referred to Committee on Agriculture.

By Senator Darwin:

S. B. No. 54. A bill to be entitled "An Act to amend Sections 4 and 14, Chapter 44, of the Acts of the First Called Session of the Thirty-fifth Legislature, in such a way as to make it possible for the State Text Book Commission to renew contracts wherever advantageous to the interest of the State; to grant to the said Commission the power to take such action in the adoption of text books for the public schools as may be necessary in the interests of economy and of an efficient school system, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Darwin, Willis and Hall:

S. B. No. 55, A bill to be entitled "An Act regulating the sale of bonds by any county, incorporated city or town, or any subdivision or district within this State; providing for the sale of such bonds in cases of emergency for less than their par value, but at not less than the commercial market value thereof at the time of such sale; providing for the creation of boards composed of resident property tax paying voters to determine the existence of such emergency; prescribing the qualifications, manner of appointment and compensation of the members of such boards; declaring that the provisions of this Act shall not apply to any subdivision or district operating under a statute which authorizes such subdivision or district to sell its bonds for less than their par value; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Willis and Witt:

S. B. No. 56, A bill to be entitled "An Act to amend Article 606 of the Revised Civil Statutes of the State of Texas, 1911, providing how bond issues shall be submitted to an election; validating certain bond elections, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 57, A bill to be entitled "An Act to amend Section 1 of Chapter 58 of the Acts of the Regular Session of the Thirty-seventh Legislature, the same being 'An Act to provide for the extension of the time in which to develop oil and gas under permits heretofore issued under the Mineral Act of 1917 upon islands, salt water lakes, bays, inlets, marshes and reefs owned by the State of Texas within tide water limits and that portion of the Gulf of Mexico within the jurisdiction of Texas, and declaring an emergency.'"

Read first time and referred to Committee on Mining and Irrigation.

By Senator Bailey:

S. B. No. 58, A bill to be entitled "An Act to amend Chapter 146 of the General Laws of the State of Texas passed by the Thirty-fifth Legislature at its Regular Session and entitled 'An Act to amend Chapter 124 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its Regular Session and entitled An Act to amend Articles 7608, 7610 and 7618 of the Revised Civil Statutes of the State of Texas, 1911, relating to taxation; providing for a maximum bond of tax collectors: fixing the time for filing by tax collectors of their report, and repealing all laws and parts of laws in conflict therewith and declaring an emergency; providing for a reduction in the amount of the bonds required under provisions of said Articles 7608 and 7610, and further providing that the premiums on such bonds may be paid by the county of which the principal therein is tax collector, out of the General Revenues of the county, and declaring an emergency'; providing that the premiums on the bonds required under the provisions of said Article 7610 shall be paid by the county of which the principal therein is tax collector, out of the General Revenues of the county, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Lewis:

S. B. No. 59, A bill to be entitled "An Act granting to Jno. D. Rogers, trustee of the estate of John D. Rogers, deceased, and his successors in said trust permission to sue the State of Texas for the sum not to exceed thirty-eight thousand two hundred and thirty-seven dollars and thirty cents (\$38,237.30) for the alleged breach of a contract alleged to have been made and entered into by and between the said Jno. D. Rogers, trustee, as aforesaid, as lessor and the Prison Commission of the State of Texas as lessee, said contract being made on or about or prior to January 1, 1917, reduced to writing, executed, and delivered on or about the second day of July, 1917, and approved by the Governor of Texas on or about October 4, 1917, by the terms of which said contract it is

claimed that the said Prison Commission leased from the said trustee for a term of five years several tracts of land aggregating about three thousand acres, known as the John D. Rogers Farm in Brazos County, Texas, and also certain personal property in said contract fully described, and which said contract, it is claimed, was by the said parties on or about the 18th day of April, 1919, modified in certain particulars, among which being that the said Prison Commission waived its right to purchase said lands, the time for which said contract should run was reduced two years, and it was especially agreed that if said Prison Commission should not have sufficient labor to cultivate the described lands and also lands owned by the Prison Commission and other leased lands the Prison Commission should have the right to allot to the cultivation of the land therein described the same proportion of said labor based upon the average needs of the said State owned lands and other lands leased by the Prison Commission; it being further alleged that said Prison Commissioners after leasing said farm and going in possession thereof on or about January 1, 1917, abandoned the same before the expiration of said contract and said modification thereof without having done and performed the things called for in said contract, to the damage of said estate and of said trustee in his said capacity in the aforesaid sum of money; fixing the venue of said suit in Walker County, Texas; prescribing that service may be had upon the Secretary of State at Austin, Texas; directing and empowering the State Treasurer to pay off and satisfy any final judgment that may be rendered in said trial of said cause for the alleged breach of said contract, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Rogers:

S. B. No. 60, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters, or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature, 1913, and validating all proceedings had by city councils or city commis-

sions or governing authority, in regard to the question of the adoption of charters or amendments thereto; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

Morning call concluded.

#### **Senate Bill No. 18.**

Senator Davidson moved that consideration of Senate Bill No. 18 be postponed until tomorrow morning, following the conclusion of the morning call. The motion was adopted.

#### **Senate Bill No. 8.**

The Chair laid before the Senate on third reading.

S. B. No. 8. A bill to be entitled "An Act abolishing the Criminal District Court of Bowie County, Texas; repealing Chapter 28 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature and Chapter 8 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, which Acts create and relate to the Criminal District Court of Bowie County; reviving any laws repealed by said Statutes not otherwise repealed; restoring the jurisdiction of other courts of Bowie County to conform to the purpose of this Act; and making this Act effective July 1, 1922."

The bill was read third time and passed finally.

#### **Senate Bill No. 20.**

The Chair laid before the Senate on second reading, Senate Bill No. 20.

On motion of Senator Witt the bill was laid on the table subject to call.

#### **Senate Bill No. 13.**

The Chair laid before the Senate on second reading.

S. B. No. 13. A bill to be entitled "An Act amending Section 5 of An Act passed at the Regular Session of the Thirty-sixth Legislature of the State of Texas, entitled: 'An Act relating to the protection of wild game, birds, etc., and requiring a license for the purpose of hunting,' being H. B. No. 457, Chapter 157, of said Regular Session Laws, and to repeal all laws

in conflict herewith, and declaring an emergency."

On motion of Senator Parr the bill was laid on the table subject to call.

#### **Senate Bill No. 27.**

The Chair laid before the Senate on second reading.

S. B. No. 27. A bill to be entitled "An Act to amend Articles 4930, 4935, Chapter 13, Title 71, of the Revised Civil Statutes of Texas, 1911, so as to provide that the deposits thereby required or thereby referred to shall be for the benefit of the holders of all the obligations of the depositor whosoever incurred, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was laid on the table subject to call.

#### **Senate Bill No. 39.**

The Chair laid before the Senate on second reading.

S. B. No. 39. A bill to be entitled "An Act to prescribe the time and fix the terms of holding the district courts in the counties comprising the Seventy-ninth Judicial District of Texas; and to conform all writs and process from such courts to such changes and to make all process issued or served before this Act takes effect, returnable to the terms of courts in said districts as herein fixed and to validate the summoning of grand and petit jurors therein; to repeal Section 2 of Chapter 48 of the laws of the Thirty-fourth Legislature passed and approved March 12, 1915, relating to the time of holding district courts in said district and repealing Chapter 8 of the laws of the Thirty-seventh Legislature passed and approved February 2, 1921, relating to the time of holding courts in said district and repealing all laws in conflict with this Act and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 39 put on its third reading and final passage by the following vote:

## Yeas—29.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe,	Murphy.
Buchanan.	Page.
Burkett.	Farr.
Clark.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

## Absent.

Cousins.

## Absent—Excused.

Carlock.

The bill was read third time and passed finally, by the following vote:

## Yeas—29.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe,	Murphy.
Buchanan.	Page.
Burkett.	Farr.
Clark.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

## Absent.

Cousins.

## Absent—Excused.

Carlock.

## Senate Bill No. 44.

The Chair laid before the Senate, by unanimous consent secured by Senator Willis, on second reading,

S. B. No. 44, A bill to be entitled "An Act amending Art. 1121 of Revised Civil Statutes of the State of Texas, by the addition of sub-division 82, providing for the incorporation of establishments for the manufacture of ice and non-intoxicating beverages and in connection therewith the operation

of a general storage business, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Willis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 44 put on its third reading and final passage by the following vote:

## Yeas—28.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe,	Murphy.
Buchanan.	Page.
Burkett.	Farr.
Clark.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Floyd.	Witt.
Hall.	Wood.
Hertzberg.	Woods.

## Absent.

Cousins. Fairchild.

## Absent—Excused.

Carlock.

The bill was read third time.

## Senate Bill No. 36.

By unanimous consent secured by Senator Hertzberg, the Chair laid before the Senate on second reading,

S. B. No. 36, A bill to be entitled "An Act authorizing commissioners courts of any county having a population in excess of two hundred thousand persons containing a city of one hundred and sixty thousand persons as ascertained by the United States census last preceding such official action, to establish, maintain and operate a law library for such county, to provide funds therefor, to receive gifts or bequests therefor, to employ custodian or custodians for such library, to require a bond or bonds of such custodian or custodians, to make all orders, rules, and regulations thought proper for the establishment, maintenance and operation of such library; providing for the deposition of such

funds with its County Treasurer or other official, discharging such duty, and the separation of such funds, as a special fund, providing for the establishment and payment of plans on account of such library, and repealing Chapter 61, Acts of the Thirty-seventh Legislature, Regular Session, and all other laws and parts of laws in conflict therewith."

The Senate rule requiring printed bills to lie over for one day was suspended.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 36 put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Floyd.	Witt.
Hall.	Wood.
Hertzberg.	Woods.

Absent.

Cousins. Fairchild.

Absent—Excused.

Carlock.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Floyd.	Witt.
Hall.	Wood.
Hertzberg.	Woods.

Absent.

Cousins. Fairchild.

Absent—Excused.

Carlock.

#### Senate Bill No. 44.

Action here recurred on the consideration of Senate Bill No. 44, on third reading, the bill having been read third time, and

Senator Suiter offered the following amendment:

Amend Senate Bill No. 44, page 1 by changing the period at the end of Sec. 1 to a semi-colon and add the following: "Provided that no beverage of any kind prohibited by any law of this State, from being manufactured, sold or stored, shall be so manufactured, stored or in any manner kept in the possession of any company so incorporated."

The amendment was adopted by unanimous consent.

The bill was then finally passed by the following vote:

Yeas—28.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Floyd.	Witt.
Hall.	Wood.
Hertzberg.	Woods.

Absent.

Cousins. Fairchild.

Absent—Excused.

Carlock.

#### Simple Resolution No. 25.

By Senator Williams:

Whereas, The Hon. Drake Watson, former Speaker of the House of Representatives of the State of Missouri, and now a distinguished citizen of Mineral Wells, Texas, is in the city; therefore, be it

Resolved by the Legislature of the State of Texas, That the privileges

of the floor of the Senate be extended to him during his stay in the city, and that he be invited to address the Senate.

WILLIAMS.  
BLEDSON.  
McMILLIN.

The resolution was read and adopted.

Senators Williams, Bledsoe and McMillin were appointed as a committee to escort Mr. Watson to the President's stand, who, after being introduced, addressed the Senate briefly.

#### Senate Bill No. 12.

Senator Burkett called up from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 12, A bill to be entitled "An Act amending Chapter 2, of Title 98, Revised Civil Statutes of the State of Texas of 1911, by adding thereto Articles 6057a and 6057b providing that any district, county or precinct officer guilty of wilfully and corruptly failing to discharge his official duties may be removed from office by suit filed by the Attorney General, and providing that it shall be the duty of the Attorney General to file such suit in the name of the State of Texas in any District Court in the Supreme Judicial District in which the officer sought to be removed resides, after having given such officer the right to be heard before filing suit; and further providing for the method of citation and procedure with reference to such removal."

There being an adverse majority committee report and a minority committee report recommending the passage of a substitute bill,

Senator Burkett moved to adopt the minority committee report, recommending passage of a substitute bill, which motion was adopted by the following vote:

Yeas—16.

Baugh.	Floyd.
Bledsoe,	Lewis.
Buchanan.	Page.
Burkett.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.

Williams.  
Witt.

Wood.  
Woods.

Nays—13.

Bailey.  
Clark.  
Darwin.  
Doyle.  
Dudley.  
Fairchild.  
Hall.

Hertzberg.  
McMillin.  
Murphy.  
Parr.  
Richards.  
Willis.

Absent.

Cousins.

Absent.

Carlock.

Action recurred on the substitute bill, and

Senator Burkett offered the following amendment:

Amend Substitute S. B. No. 12, page 2, at end of line 4, by adding the word "municipal."

Senator Davidson moved to table the amendment, which motion was lost by the following vote:

Yeas—11.

Baugh.  
Buchanan.  
Davidson.  
Dorough.  
Dudley.  
Floyd.

Lewis.  
Murphy.  
Page.  
Watts.  
Willis.

Nays—18.

Bailey.  
Bledsoe,  
Burkett.  
Clark.  
Darwin.  
Doyle.  
Fairchild.  
Hall.  
Hertzberg.

McMillin.  
Parr.  
Richards.  
Rogers.  
Suiter.  
Williams.  
Witt.  
Wood.  
Woods.

Nays—13.

Cousins.

Absent—Excused.

Carlock.

The amendment was adopted.

Senator Burkett offered the following amendment:

Amend Substitute S. B. No. 12, page 3, line 18 by inserting between the words "shall" and "receive" the word "not."

Senator Wood offered the following substitute for the amendment:

Amend the Committee Substitute by striking out all of line 9, page 31, after the period and all of lines 10 to 32 on page 3, and all of lines 1 to 6 on page 4.

PAGE.  
WOOD.

Pending discussion, Senator Hall moved to postpone the further consideration of the bill and amendment, until the conclusion of the morning call tomorrow morning.

Senator Burkett moved to table the motion to postpone, which motion to table was adopted by the following vote:

Yeas—16.

Baugh.	Page.
Buchanan.	Rogers.
Burkett.	Suiter.
Davidson.	Williams.
Dorough.	Willis.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Nays—12.

Bailey.	Hall.
Clark.	Hertzberg.
Darwin.	Murphy.
Doyle.	Parr.
Dudley.	Richards.
Fairchild.	Watts.

Present—Not Voting.

Bledsoe,

Absent.

Cousins.

Absent—Excused.

Carlock.

Action recurred on the substitute by Senator Wood for the amendment by Senator Burkett.

Here Senator Parr called for the enforcement of Senate rule 92 and the Chair directed the Sergeant-at-Arms to clear the Chamber of all persons not entitled to the privileges of the floor.

#### House Concurrent Resolution No. 1.

Senator Bailey here called up from the table, H. C. R. No. 1, and moved

that the consideration of the same be postponed indefinitely.

The motion was adopted.

Recess.

On motion of Senator Fairchild the Senate, at 12:00 o'clock, noon, recessed until 3:00 o'clock today.

After Recess.

The Senate was called to order by President Pro Tem. Bailey.

#### Senate Bill No. 12.

(Lieutenant Governor Davidson in the Chair.)

Action recurred on consideration of S. B. No. 12, the question being on the substitute amendment by Senator Wood, for the amendment by Senator Burkett.

Senator Wood withdrew the pending substitute for the amendment, and offered the following substitute for the Burkett amendment:

Amend the Committee Substitute by striking out all of line 9, page 3, after the period and all of lines 10 to 32 on page 3 and all of lines 1 to 6 on page 4, and inserting the following:

Provided further that if upon the trial of the case in the lower or trial court the verdict of the jury and judgment of the court, or the judgment of the court without the jury, result in suspending the officer, such officer shall not as to his suspension be entitled to supersede such judgment on appeal. And provided further that after the suspension of such officer the judge of the District Court wherein the case was tried shall have the power and it is hereby made his duty, to appoint a temporary officer to take the place of the officer temporarily suspended who shall give bond and take the oath as required by law as though duly and legally elected to such office, and such temporary officer shall discharge the duties of such office pending the final disposition of the case upon appeal. The officer temporarily appointed shall receive the same salary or compensation as provided by law to be paid to the officer filling such position, but such salary

or compensation shall be paid by the State out of the general revenue upon accounts therefor approved by the judge of the District Court which appointed him. The fees and emoluments of office to which the suspended officer might have been entitled to under the law shall be collected by the temporary officer and paid over to the clerk of the District Court of the county of the officers residence, to be held in trust for the suspended officer during the pendency of the appeal, and should the case finally be decided in favor of such suspended officer then such fees and emoluments of office so held in trust shall be paid over and delivered to such suspended officer immediately upon receipt of the mandate and final judgment in the case which reinstated such suspended officer. It is further provided that if upon final judgment the officer proceeded against is ousted from office, the officer temporarily appointed by the district judge shall at once turn over the duties of the office to any person duly and legally appointed by the proper authorities as is made and provided in the laws of this State regulating the filling of vacancies of such office.

WOOD.  
PAGE.

After discussion Senator Suiter moved to table the substitute for the amendment, which motion to table was lost by the following vote:

Yeas—10.

Baugh.	Lewis.
Bledsoe,	Suiter.
Buchanan.	Williams.
Davidson.	Witt.
Floyd.	Woods.

Nays—15.

Bailey.	Murphy.
Darwin.	Page.
Doyle.	Parr.
Dudley.	Rogers.
Fairchild.	Watts.
Hall.	Willis.
Hertzberg.	Wood.
McMillin.	

Present—No<sup>t</sup> Voting.

Burkett.

Absent.

Cousins. Richards.  
Absent—Excused.

Carlock.

(Pairs Recorded.)

Senator Clark (present), who would vote "nay"; with Senator Dorrough (absent), who would vote "yea."

The substitute for the amendment was then adopted.

The amendment, as substituted, was then adopted.

Senator Burkett offered the following amendment to the bill, which was read and adopted:

Amend substitute by adding the following: "Provided that nothing herein shall in any way be construed to repeal in any part Art. 6049 of this chapter."

Senator Page offered the following amendment, which was read and adopted:

Amend S. B. No. 12, page 1, line 28, by adding after the word "citizen" the following, "of the county where said officer resides."

Senator Doyle offered the following amendment:

Amend S. B. No. 12 that after the words "precinct officers" in line 23, page 1, and line 5 in page 2, the word "peace" be inserted, so they may read as follows: "Precinct peace officers and municipal peace officers."

The amendment was read and adopted.

Senator Richards offered the following amendment.

(6) Amend substitute for S. B. 12, page 2, line 7, after the word "office" the following: "Provided the five citizens making such affidavit shall file a good and sufficient bond to be approved by clerk of District Court in a sum to be fixed by the district judge when such suit is offered to be filed payable to the officer alleged in such affidavits to be guilty of refusing to enforce the laws of the State, before the Attorney General of this State is authorized to file suit for the removal of such officer complained of in such affidavits made by said five citizens."

**Application for Privileges of Floor  
as Newspaper Reporter.**

The Chair laid the following before the Senate:

Lieutenant Governor Davidson, Senate Chamber.

Dear Sir: As editor and publisher of the Home and State, I desire to be registered with the privileges of the press.

Respectfully,  
ATTICUS WEBB.

Senator Bailey moved that the communication be referred to Committee on Rules.

The motion was adopted.

**Message from the Governor.**

Governor's Office,

Austin, Texas, August 3, 1921.

To the Members of the House and Senate, First Called Session, Thirty-seventh Legislature.

Gentlemen: There are eight Public Free School textbooks, the contracts for which will expire at the end of the school year 1921-1922. The State has already invested in these books, approximately \$1,185,000.00. The manufacturing costs of today indicate that new bids for books would be considerably in excess of the old contract prices.

At the expiration of the above mentioned contract these books will have been used three years. The average lifetime of a free textbook is five years; therefore, these books now owned by the State should be good for at least two years longer. For the Textbook Commission to junk these books and replace them with new books, even at the prices for which the old ones were purchased, would require an expenditure of approximately another \$1,185,000.00.

Should the Textbook Commission be empowered to extend these contracts for two years, the number of new books necessary to be purchased to supplement those now owned by the State would not be more than one-tenth the number necessary if new books were adopted, and would therefore result in a saving of approximately a million dollars to the State.

I therefore, recommend that the Textbook Law, First Called Session, 1917, Chapter 44, Section 5, be amended in such a way as to make it possible for the State Textbook Commission

to renew contracts wherever advantageous to the interest of the State, and to grant to the said Commission the power to take such action in the adoption of textbooks for the public schools as may be necessary in the interests of economy and of an efficient school system, and providing further that in case of new adoptions, no book shall be adopted for a period of less than five years.

Respectfully yours,  
PAT M. NEFF, Governor.

Governor's Office,

Austin, Texas, August 3, 1921.

Members of the Senate and House of Representatives.

Gentlemen: I hereby submit to you for whatever legislative action, if any, you may deem wise, the following subjects. In submitting these matters to you, I am not attempting to pass on the merits or demerits of any of them. I have had no time to study them and, therefore, am not in position to recommend any legislation concerning them. Some members of the Legislature, together with other citizens and organizations of the State have earnestly solicited the submission of these matters to you for your legislative consideration. I submit these subjects for your consideration should you find time to consider them without in any way interfering with the needed legislation that made it necessary to re-convene you in special session. The subjects hereby submitted are as follows:

First. An amendment to Article 606, Revised Civil Statutes of Texas, 1911, providing new bond issues shall be submitted to an election; and validating certain bond elections.

Second. The establishment of official standards for the State of Texas.

Third. An amendment to Sections 5, 7, 8, 30, 31, 31A, 34, 42, and 43 of Chapter 157, General Laws, Regular Session Thirty-sixth Legislature, and amended by Chapter 72, Senate Bill No. 92, Second Called Session Thirty-sixth Legislature as amended by Chapter 7, Fourth Called Session, Thirty-sixth Legislature, being an Act to preserve, propagate, distribute, and protect the wild game, wild birds, and wild fowl of the State.

Fourth. An amendment to Chapter 124, General Laws, Regular Session Thirty-seventh Legislature, looking to the conservation of the natural re-

sources of the State provided for by Section 59, Article 16 of the Constitution, having been adopted in 1917, and amending Sections 1, 2, and 3 of Chapter 88, General Laws Thirty-fifth Legislature, so as to more specifically define public waters.

Fifth. An amendment of Section 1, Chapter 155, laws Regular Session Thirty-sixth Legislature, known as the Oil and Gas Conservation Act of 1919.

Sixth. The validation of the attempted incorporation of all cities, towns or villages operating under the provisions of Title 22, Revised Statutes, 1911, and amendments thereto, and validating the attempted acceptance by incorporated towns or villages of the provisions of the law with respect to cities and towns under said Title.

Seventh. An amendment to Chapter 76, General Laws, Regular Session Thirty-sixth Legislature, providing for Public Weighers.

Eighth. A provision for the appointment or selection of a special judge of corporation courts of the various cities in the State, of over 5,000 inhabitants, where no provision is made for the appointment or selection of a special judge in case of disqualification or inability to act from any causes.

Ninth. An amendment to Article 1585 of Chapter 2, Title 32, Revised Civil Statutes, 1911, fixing the term of Courts of Civil Appeals.

Tenth. An amendment to Sections 5 and 6, Title 131, Regular Session Thirty-sixth Legislature, so that correct weights of certain commodities not therein given may be standardized when sold by bushel or barrel or other quantity or unit.

Eleventh. An amendment to H. B. No. 102, Special Session Thirty-sixth Legislature.

Twelfth. An amendment to Article 1852, Chapter 6, Title 37, Revised Civil Statutes of Texas, relating to citations.

Thirteenth. The Librarian of the University of Texas to be custodian of the printed reports of the decisions of the Courts of Civil Appeals, the Court of Criminal Appeals, and the Supreme Court of this State and authorizing a transfer of those now on hand in the office of the Secretary of State to the University Library; authorizing said reports to be used while in said library; also authorizing Secretary of State to turn over 25 volumes of the

Revised Civil and Criminal Statutes of 1911.

Fourteenth. An amendment to Section 1, Chapter 58, Regular Session Thirty-seventh Legislature, being to provide for the extension of time in which to develop oil and gas under permits heretofore issued under the Mineral Acts of 1917, upon islands, salt water lakes, bays, inlets, marshes, and reefs owned by the State of Texas, within tidewater limits and that portion of the Gulf of Mexico within the jurisdiction of Texas.

Fifteenth. An amendment to Section 1, Chapter 45, General Laws, Regular Session Thirty-seventh Legislature, relating to uniform date on which county and precinct officers shall qualify and take over the duties of the respective offices, following their election.

Sixteenth. The protection of fur-bearing animals.

Seventeenth. An amendment to Articles 7, 27, 28, 50, 60, 64, and 65, Chapter 73, General Laws, Regular Session Thirty-sixth Legislature; also Section 16, Chapter 73, as amended by Chapter 44, General Laws Third Called Session Thirty-sixth Legislature, relating to the protection of fish and other aquatic animal life in the waterways of Texas.

Eighteenth. An amendment of Article 7349, Revised Civil Statutes, 1911, providing for apportionment of ad valorem taxes, collected for State and Public Free School purposes.

Nineteenth. An amendment of Article 6772, Chapter 1, Title 117, Revised Statutes of Texas, 1911, fixing time within which Commissioners Courts shall order records or instruments relating to lands and real property embraced in the territory so acquired.

Twentieth. An amendment of Article 1121, Revised Civil Statutes, 1911, by the addition of Subdivision 82, providing for incorporation of establishments for the manufacture of ice and non-intoxicating beverages, and in connection therewith operate a general storage business.

Twenty-first. Amending in all respects Chapter 41, Act of First Called Session Thirty-fifth Legislature, providing a system of State Bonded Warehouses.

Twenty-second. Enactment of laws pertaining to execution of bonds required of tax collectors.

Twenty-third. The supervision, reg-

ulation and control of public indoor places of recreation.

Twenty-fourth. The permission of the Henderson-Ames Company of Kalamazoo, Michigan, to bring suit against the State of Texas for an alleged damage growing out of an alleged breach of contract entered into by and between the said Henderson-Ames Company and Grubbs Vocational College of Arlington, Texas, dated September 11, 1920.

Twenty-fifth. The leasing of certain islands, reefs, flats and waters in Laguna Madre to the National Association of Audubon Societies for the propagation, protection and conservation of birds and bird life on said areas.

Twenty-sixth. The subject of the licensing, regulating and control of optometrists in this State.

Twenty-seventh. The regulation of the sale of bonds by any county, incorporated city or town, or any subdivision or district within this State.

Twenty-eighth. The authorizing of the navigation districts created for the development of deep water navigation.

Twenty-ninth. To authorize cities operating under special charters, or under charters adopted or amended under the provisions of Chapter 147, of the General Laws of the Thirty-third Legislature, or amendments thereto.

Thirtieth. Amending Article 2643 of Chapter 2, Title 48, Revised Civil Statutes of Texas, 1911, in regard to expending the interest of the permanent University fund by specific legislation.

Thirty-first. Amending the laws authorizing the Commissioners Courts of the several counties to create levee improvement districts, as authorized by Chapter 146, General Laws of 1915, and Chapter 44, General Laws of 1918.

Thirty-second. Permitting life insurance companies organized under the laws of the State of Texas to act as administrators and executors of decedents.

Thirty-third. Granting John D. Rogers, trustee of the estate of John D. Rogers, deceased, and his successors in said trust, permission to sue the State of Texas for a sum not to exceed Thirty-eight Thousand, two Hundred and Thirty-seven Dollars and thirty cents (\$38,237.30), for the alleged breach of a contract alleged to have been made and entered into by and between the said John D. Rogers, trustee as aforesaid, as lessor, and the Prison Commission of the State of Tex-

as as lessee, said contract alleged to have been made on or about or prior to January 1, 1917, reduced to writing, executed, and delivered on or about the second day of July, 1917, approved by the Governor of the State of Texas, on or about October 4, 1917.

Thirty-fourth. Giving the Commissioners Court of Ochiltree County authority to close certain streets in the town of Perryton, Ochiltree County, Texas.

Yours sincerely,  
PAT M. NEFF, Governor.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, August 3, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 14, Relating to the barbecue given by people of Austin.

Respectfully submitted,  
CARL PHINNEY,  
Chief Clerk, House of Representatives.

(Senator Bledsoe in the Chair.)

#### Senate Bill No. 12.

Action recurred on S. B. No. 12, the question being on the pending amendment by Senator Richards.

(Lieutenant Governor Davidson in the Chair.)

Senator Burkett moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—15.

Baugh.	Page.
Buchanan.	Suiter.
Burkett.	Watts.
Davidson.	Williams.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Nays—12.

Bailey.	Hall.
Bledsoe.	Hertzberg.
Darwin.	Parr.
Doyle.	Richards.
Dudley.	Rogers.
Fairchild.	Willis.

Absent.

Cousins.

## Absent—Excused.

Carlock.

## (Pair Recorded.)

Senator Clark (present), who would vote "nay;" with Senator Dorrough (absent), who would vote "yea."

Senator Davidson offered the following amendment:

Amend line 28, page 1 and again in line 4, page 2, by inserting after the words "credible citizens" the following: "And freeholders."

The amendment was adopted.

Senator Davidson offered the following amendment, which was read and adopted:

Amend Senate Bill No. 12, page 2, lines 22 and 23, by striking out the words "as above provided" and insert the following: "which proceedings may upon application of either party be subject to removal in accordance with law for change of venue in criminal cases."

Senator Burkett here moved to reconsider the vote by which amendment No. 5, by Doyle, was adopted.

The motion to reconsider was adopted by the following vote:

## Yeas—16.

Baugh.	Page.
Buchanan.	Rogers.
Burkett.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

## Nays—8.

Bailey.	Hall.
Darwin.	Hertzberg.
Dudley.	Parr.
Fairchild.	Willis.

## Absent.

Bledsoe,	Cousins.
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## Absent—Excused.

Carlock.

## (Pairs Recorded.)

Senator Clark (present, who would vote "nay"; with Senator Dorrough (absent), who would vote "yea."

Senator Floyd (present), who would vote "yea;" with Senator Richards (absent), who would vote "nay."

The amendment No. 5 was, on motion of Senator Woods, tabled.

Senator Burkett offered the following amendment:

Amend Committee Substitute for Senate Bill No. 12, page 1, line 23, by inserting after the word "precinct" the words "or municipal."

Senator Page moved to table the amendment, which motion was adopted.

Senator Page here moved to reconsider the vote by which Amendment No. 1, by Burkett, was adopted.

The motion to reconsider was adopted.

Senator Page moved to table Amendment No. 1, which motion to table was adopted.

Senator Wood offered the following amendment, which was read and adopted:

Amend Substitute Bill No. 12, page 4, line 14, by striking out all of line 14 after the word "thereon" and by striking out all of lines 15 to 20 inclusive and insert in lieu thereof the following: "And the District Judge may call a special term of said court to try said case, and in case of appeal said cause shall be advanced upon motion of either party."

Senator Burkett offered the following amendment, which was read and adopted:

Amend Substitute S. B. No. 12, page 2, lines 23, 24, and 25 by striking out the following words: "Provided no officer shall ever be removed from office for failure to enforce misdemeanor laws of this State except the following misdemeanors," and inserting the following: "Provided that the method set forth by this Act for the removal of officers shall not be applicable in cases of misdemeanor except the following misdemeanors."

The bill, having been read third time and passed to engrossment by the following vote:

## Yeas—13.

Baugh.	Suiter.
Buchanan.	Watts.
Burkett.	Williams.
Davidson.	Witt.
Doyle.	Wood.
Lewis.	Woods.
Page.	

## Nays—11.

Bailey.	Darwin.
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Dudley.	Murphy.
Fairchild.	Parr.
Hall.	Rogers.
Hertzberg.	Willis.
McMillin.	

Absent.

Bledsoe,	Cousins.
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Absent—Excused.

Carlock.

(Pairs Recorded.)

Senator Clark (present), who would vote "nay;" with Senator Dorrough (absent), who would vote "yea."

Senator Floyd (present), who would vote "yea;" with Senator Richards (absent), who would vote "nay."

#### Senate Concurrent Resolution No. 6.

By Senator Dudley:

Whereas, in the general appropriation bills providing for the maintenance of the State Ranger force for the year ending September 1, 1921, appropriations were made for salaries and the various maintenance funds of said force in excess of the amounts necessary therefor, except as to traveling and other expenses of the members of said force when from their stations, and,

Whereas, there is a deficiency in the said last named fund of approximately \$5,000.00, and it is the desire of the Adjutant General's Department to pay the said deficiencies from the funds otherwise appropriated for the said department, and it is the judgment of the Senate and House of Representatives that he should be authorized so to do; therefore, be it

Resolved by the Senate and House of Representatives: That the Adjutant General of the State of Texas be, and he is hereby authorized and empowered, upon the proper auditing of said expense accounts of the members of said Ranger Force, to cause the said sums to be paid out of any funds heretofore appropriated for the said Ranger Force, and that is not needed for the specific purposes for which such appropriations were made, and the Comptroller of Public Accounts is hereby directed to draw proper warrants against said funds upon the proper certificates

from the Adjutant General's Department under this resolution.

The above resolution was read, and

Senator Dudley moved that it be adopted, and,

Senator Burkett moved that the resolution lay on the table subject to call, which motion was adopted.

#### Senate Bill No. 45.

By unanimous consent the Chair laid before the Senate, on second reading,

S. B. No. 45, A bill creating the Nocana Independent School District in Montague County.

The Senate rule requiring committee reports to lie over for one day was suspended.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Williams, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 45 put on its third reading and final passage by the following vote:

#### Yeas—27.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Sulter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Absent.

Cousins.	Richards.
Dorough.	

Absent—Excused.

Carlock.

The bill was read third time, and passed finally, by the following vote:

#### Yeas—27.

Bailey.	Buchanan.
Baugh.	Burkett.
Bledsoe.	Clark.

Darwin.	Page.
Davidson.	Parr.
Doyle.	Rogers.
Dudley.	Suiter.
Fairchild.	Watts.
Floyd.	Williams.
Hall.	Willis.
Hertzberg.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent.

Cousins.	Richards.
Dorough.	

Absent—Excused.

Carlock.

**House Concurrent Resolution No. 14.**

The Chair laid before the Senate,  
H. C. R. No. 14, Thanking citizens  
of Austin for entertainment.

The resolution was read and  
adopted.

**Senate Bill No. 13.**

Senator Parr called from the table,  
S. B. No. 13, the bill having been  
read second time today.

The bill was read second time and  
passed to engrossment.

On motion of Senator Parr, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 13 put on  
its third reading and final passage  
by the following vote:

Yeas—27.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Absent.

Cousins.	Richards.
Dorough.	

Absent—Excused.

Carlock.

The bill was read third time and  
passed finally, by the following vote:

Yeas—27.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Absent.

Cousins.	Richards.
Dorough.	

Absent—Excused.

Carlock.

**Resolution Signed.**

The Chair, Lieutenant Governor  
Davidson, gave notice of signing, and  
did sign, in the presence of the Sen-  
ate, after the caption had been  
read, the following resolution:

H. C. R. No. 13, Relating endorsing  
present government of Mexico.

**Adjournment.**

On motion of Senator Clark, the  
Senate, at 4:50 o'clock p. m., ad-  
journed until 10:00 o'clock tomor-  
row morning.

**APPENDIX.****Committee Reports.**

Committee Room,  
Austin, Texas, Aug. 3, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills have had Senate Bill  
No. 44 carefully compared and find  
same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,  
Austin, Texas, Aug. 3, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills have had Senate Bill

No. 39 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room.

Austin, Texas, Aug. 3, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 36 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, Aug. 3, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 31 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, Aug. 3, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 28 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, Aug. 3, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 45, A bill to be entitled "An Act creating and establishing the Nocana Independent School District of Montague County, Texas; defining its boundaries; providing for a board of trustees and the manner of their election; vesting title to all school property within said district in the board of trustees, and their successors in office; charging said district with the payment of all indebtedness of any and every nature whatsoever and the performance of all contracts of the schools that are included within said district, etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, August 3, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 35, A bill to be entitled "An Act providing for taking the scholastic census, the time and manner of taking the same, prescribing the duty of the person taking and reporting the scholastic census, prescribing the duty of the County Superintendent relative to the preservation of the scholastic census and reporting the same to the State Superintendent of Public Instruction, providing for taking the census in county line districts," etc.,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HERTZBERG, Chairman.

Committee Room,

Austin, Texas, August 3, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

H. B. No. 34, A bill to be entitled "An Act to amend Article 4930 and 4935, Chapter 13, Title 71, of the Revised Civil Statutes of Texas, 1911, so as to provide that the deposits thereby required or therein referred to shall be for the benefit of the holders of all the obligations of the depositor where-soever incurred, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PAGE, Chairman.

Committee Room,

Austin, Texas, August 3, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 24, A bill to be entitled "An Act to amend Article 1852 in Chapter 6 of Title 37 of the Revised Civil Statutes of the State of Texas, relating to citations,"

Have had under consideration the

same, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, August 3, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 40, A bill to be entitled "An Act to amend Section 40 of Chapter 87, Acts of the Thirty-fifth Legislature, Regular Session, and Section 40 thereof as amended by Chapter 13, Section 2, General Laws, Acts of the Thirtv-seventh Legislature, and adding thereto new sections 40a, 140, 141, and 142, relating to organization and government of water improvement and irrigation districts; providing for the fixing of liens and collection of taxes, and the protection of the water supply by such district; providing for the examination and approval of such district by the State Board of Water Engineers, and declaring an emergency."

Have had under consideration the same, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, August 3, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Commerce and Manufacture, to whom was referred

S. B. No. 44, A bill to be entitled "An Act amending Article 1121 of the Revised Civil Statutes of the State of Texas, 1911, by the addition of subdivision 82, providing for the incorporation of establishments for the manufacture of ice and non-intoxicating beverages and in connection therewith the operation of a general storage business, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Murphy, Chairman; Baugh, Wood, Watts.

(Majority Report.)

Committee Room,  
Austin, Texas, August 3, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 50, A bill to be entitled "An Act to define and regulate the practice of optometry; to create a Board of Examiners, prescribing its qualifications, powers and duties; to provide for the registration and examination of applicants and the issuance of license and certificates; to prescribe the qualifications of applicants; to provide that the County Clerk of each county shall keep a record; to fix fees and require payment into the General Fund of the State of Texas; to provide for the registration of optometrists and the revocation of their licenses for cause; to require licenses and certificates to be displayed; to prescribe manner of practice outside of principal office; to fix penalties; to provide that this Act shall not apply to persons selling spectacles and eyeglasses as merchandise from permanently established places of business, officers or agents of the United States or the State of Texas in the discharge of official duties; to give no authority for the use or sale of drugs, medicines or eye lotions or for the use of any titles to indicate the practice of medicine; to provide that the use of the title of Optometrist and practice of Optometry, as defined, shall not be construed as the practice of medicine; to provide that if any part is held unconstitutional it shall not invalidate any other part; to repeal laws in conflict and to declare an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

HALL, Chairman.

(Minority Report.)

Hon. Lynch Davidson, President of the Senate.

We, the minority of your Committee on Public Health, do hereby make a minority report on Bill No. 50, that the bill do not pass.

CLARK.

Committee Room,  
Austin, Texas, August 3, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 46, A bill to be entitled "An Act to amend Section 2 and Sec-

tion 10, Chapter 18 of the General Laws of the Thirty-seventh Legislature, approved February 28, 1921, and to add a new section thereto to be known as Section 6a, providing for the construction, maintenance and operation of the American Legion Memorial Sanitorium of Texas and the leasing of same to the Federal Government, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.

Senate Chamber,  
Austin, Texas, August 3, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

S. B. No. 34. A bill to be entitled "An Act to provide vocational education and to accept the benefits passed by the Senate and House of Representatives of the United States for the promotion of vocational education, training," etc.,

Have examined said bill, and report it back to the Senate with the recommendation that it do pass.

DUDLEY, Chairman.

Senate Chamber,  
Austin, Texas, August 3, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

S. B. No. 19. A bill to be entitled "An Act for the promotion of the interests of the rural schools, by appropriating \$1,000,000 each year."

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass, with committee amendments.

DUDLEY, Chairman.

#### Petitions and Memorials.

Senator Burkett offered and had read a petition, numerously signed, from citizens of Mitchell County, Colorado, urging adequate appropriation for aid of rural schools. Also a resolution adopted by churches at Cross Plains, endorsing Governor Neff's program for law enforcement measures.

Senator Woods offered and had read a petition from rural school trustees of Mitchell County, Texas, urging ade-

quate appropriation for rural schools of the State. Also a petition from the congregations of Baptist, Methodist and Cumberland Presbyterian churches at Dawson, urging adoption of law enforcement measures providing for removal of officers who wilfully or corruptly refuse to enforce the law.

Senator Doyle offered and had read a telegram giving resolution adopted by Bryan Chamber of Commerce protesting against reducing salaries of University faculty, and of teachers in other State schools. Also a resolution adopted by State Bee Keepers Association requesting Legislature not to transfer this work to Department of Agriculture.

Senator Buchanan offered and had read a communication from Belton Rotary Club protesting against reducing salaries of University faculty.

Senator Floyd offered and had read a telegram from Delta County Council of Agriculture, urging support of Farm Demonstration Department, and that no measures be adopted weakening such Department.

The Chair, Lieutenant Governor Davidson, offered and had read a telegram from President of Texas Pharmaceutical Association, Arthur Skillern, protesting against delay in confirmation of Walter H. Cousins as member of said Board. Also a telegram from Port Arthur Ex-Students Association, strongly protesting against reduction in appropriation for educational institutions. Also a numerously signed telegram from Brownsville, signed by taxpayers of that city, urging appropriation for University as first set out by Finance Committee. This was referred to Finance Committee.

#### FOURTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, August 4, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Clark.
Baugh.	Darwin.
Biedsoe.	Davidson.
Buchanan.	Doyle.
Burkett.	Dudley.